

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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IN RE: NATIONAL : *Case No. 1:17-md-2804*  
PRESCRIPTION : *Cleveland, Ohio*  
OPIATE LITIGATION :  
:  
:  
: *Monday, October 21, 2019*  
: *9:01 a.m.*  
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:  
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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE DAN AARON POLSTER

UNITED STATES DISTRICT JUDGE

- AND -

BEFORE THE HONORABLE DAVID A. RUIZ

UNITED STATES MAGISTRATE JUDGE

SPECIAL MASTER: DAVID R. COHEN

Court Reporter: Donnalee Cotone, RMR, CRR, CRC  
United States District Court  
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produced by computer-aided transcription.

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1 (Proceedings resumed in open court at 9:01 a.m.)

2 - - -

3 DEPUTY CLERK: All rise.

4 THE COURT: Good morning. Please be seated.

09:01:29 5 All right. This is the beginning of the opioid MDL,  
6 Summit and Cuyahoga County against a number of defendants.

7 I was advised early this morning that sometime around  
8 midnight, 1:00 a.m., Summit and Cuyahoga County reached a  
9 resolution, a settlement in this case with four of the  
09:02:02 10 defendants: Cardinal, McKesson, AmerisourceBergen, and  
11 Teva, which includes Actavis and Cephalon.

12 Accordingly, that case is dismissed, with prejudice,  
13 and I will retain jurisdiction to make sure the settlement  
14 agreement is reached.

09:02:25 15 The claims against Walgreens are severed and moved  
16 into Track One (B) with the remaining defendants from this  
17 Track One case, and I will set up a meeting shortly with  
18 counsel for the plaintiffs and those defendants to work out  
19 a discovery schedule and a trial date.

09:02:55 20 I want to thank all the lawyers. This would have been  
21 a very, very interesting trial to preside over. I've said  
22 many times, we have the best lawyers in the country on all  
23 sides. They would have done a fine job presenting the facts  
24 and putting those facts into competing narratives, very  
09:03:19 25 profoundly competing narratives.

1 And with a lot of hard work, we had selected a fair  
2 and impartial jury. I have no idea what that jury would  
3 have done, but I'm confident we had selected carefully a  
4 number of individuals who would have followed that evidence  
09:03:38 5 and followed my instructions and wrestled with the facts in  
6 those narratives and done their level-headed best to come to  
7 a unanimous verdict.

8 I'm confident that both Summit and Cuyahoga County  
9 will use these settlement funds to address and remediate the  
09:04:00 10 opioid crisis in their respective counties. They've been  
11 doing so already. I know I've been reading about how both  
12 counties had planned to use those funds, and I'm sure that  
13 both counties will use these funds in the same way.

14 This was the first bellwether -- was to be the first  
09:04:23 15 bellwether trial. I did not encourage a settlement of this  
16 case only, because after all this work, if we weren't going  
17 to have a more broadly-based settlement, it made sense to  
18 have a trial.

19 But, of course, the parties to this particular case  
09:04:41 20 were always free to work out a resolution, and I'm glad they  
21 did. We were here until 7:40 p.m. last Friday with a number  
22 of Attorneys General and all the lawyers discussing a very  
23 complicated potential settlement. I want those discussions  
24 to continue. I understand they will be continuing.

09:05:13 25 Special Master McGovern and Special Master Cohen are

1 available and the Court is always available on a moment's  
2 notice to assist the parties. But it's very important that  
3 those very productive discussions that we had continue and  
4 that we don't lose the momentum that was created.

09:05:31 5 So, again, I want to thank everyone, and I wish you  
6 all good luck going forward.

7 EN MASSE: Thank you, Judge.

8 DEPUTY CLERK: All rise.

9 - - -

10 (Proceedings adjourned at 9:06 a.m.)

11  
12  
13 **C E R T I F I C A T E**

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15 I certify that the foregoing is a correct transcript  
16 from the record of proceedings in the above-entitled matter.

17  
18 /s/ Donnalee Cotone 10/21/2019  
19 DONNALEE COTONE, RMR, CRR, CRC DATE  
20 Realtime Systems Administrator  
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